

Dred Scott v. Sandford,

LATHROP L. STURGIS, PLAINTIFF IN ERROR, v. CHRISTIAN HONOLD.

The decision in the preceding case again affirmed.

THIS, like the preceding case, of which it constituted a branch, was brought up, by writ of error, from the Circuit Court of the United States for the eastern district of Louisiana.

It was similar in all respects to the preceding case, except that Honold purchased five-sixteenths of the ship from Sturgis, and four-sixteenths from Bulkley. The two cases proceeded through the courts *pari passu*, and were argued together in this court.

Mr. Justice CURTIS delivered the opinion of the court.

This case depends on the same facts and principles as the preceding case, and the judgment of the Circuit Court therein is affirmed.

DRED SCOTT, PLAINTIFF IN ERROR, v. JOHN F. A. SANDFORD.

I.

1. Upon a writ of error to a Circuit Court of the United States, the transcript of the record of all the proceedings in the case is brought before this court, and is open to its inspection and revision.
2. When a plea to the jurisdiction, in abatement, is overruled by the court upon demurrer, and the defendant pleads in bar, and upon these pleas the final judgment of the court is in his favor—if the plaintiff brings a writ of error, the judgment of the court upon the plea in abatement is before this court, although it was in favor of the plaintiff—and if the court erred in overruling it, the judgment must be reversed, and a mandate issued to the Circuit Court to dismiss the case for want of jurisdiction.
3. In the Circuit Courts of the United States, the record must show that the case is one in which, by the Constitution and laws of the United States, the court had jurisdiction—and if this does not appear, and the court gives judgment either for plaintiff or defendant, it is error, and the judgment must be reversed by this court—and the parties cannot by consent waive the objection to the jurisdiction of the Circuit Court.
4. A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a "citizen" within the meaning of the Constitution of the United States.
5. When the Constitution was adopted, they were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its "people or citizens." Consequently, the special rights and immunities guaranteed to citizens do not apply to them. And not being "citizens" within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States, and the Circuit Court has not jurisdiction in such a suit.
6. The only two clauses in the Constitution which point to this race, treat them as persons whom it was morally lawful to deal in as articles of property and to hold as slaves.
7. Since the adoption of the Constitution of the United States, no State can by any subsequent law make a foreigner or any other description of persons citizens of